



**In The Supreme Court of¹
THE UNITED STATES.**

OCTOBER TERM, 1898.

NO. 223.

THE FIRST NATIONAL BANK OF GRAND
FORKS, NORTH DAKOTA,
PLAINTIFF IN ERROR. 2
vs.
ALEXANDER ANDERSON,
DEFENDANT IN ERROR.

IN ERROR TO THE SUPREME COURT OF
THE STATE OF NORTH DAKOTA.

NOTICE OF MOTION TO DISMISS WRIT OF 3
ERROR, AND AFFIRM JUDGMENT BELOW.

To MESSRS. W. E. DODGE
AND
BURKE CORBET,
ATTORNEYS FOR PLAINTIFF IN ERROR:

Please take notice, that at the Court room of the
Supreme Court of the United States, in the City of

- 4 Washington, D. C., on the nineteenth (19th) day of December, A. D., 1898, at the opening of Court on that day, or as soon thereafter as counsel can be heard, the undersigned, on behalf of the above named defendant in error, will move the Court upon the agreed record in the above entitled action filed August 30th, 1898, and upon the reported decisions of the Supreme Court of the State of
- 5 North Dakota mentioned at Folio 74 thereof, to dismiss the writ of error issued in the above entitled action on the 6th day of November, A. D., 1897, and to affirm the judgment of the Supreme Court of the State of North Dakota, mentioned in said writ of error and to affirm the judgment of the District Court in and for the County of Grand
- 6 Forks and State of North Dakota, together with costs of this motion and damages of ten per cent. upon the amount of said judgment, in the action wherein the above named defendant in error, Alexander Anderson, was plaintiff, and the above named plaintiff in error, The First National Bank of Grand Forks, North Dakota, was defendant; the judgment of which District Court was rendered on
- 7 the 3rd day of June, A. D., 1897, and the judgment of which Supreme Court affirming the same was rendered on the 4th day of October, A. D., 1897.

Said motion will be based upon the ground that, although the record may show that this Court has jurisdiction, it is manifest that said writ of error was sued out and this appeal taken for delay only, and that the question on which the jurisdiction of this

Court depends is so frivolous as not to need further 8
argument, in that

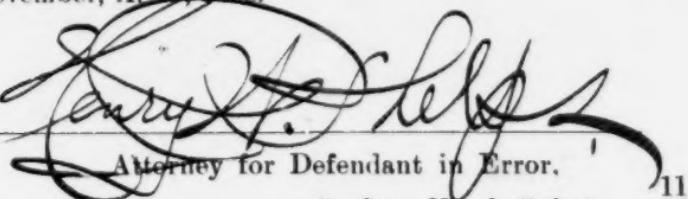
I.

The alleged Federal question attempted to be raised by plaintiff in error, was not necessarily involved in the decision arrived at and rendered either in said Supreme Court of the State of North Dakota or in the District Court in and for the County of Grand Forks and State of North Dakota; but the 9
said judgments were rendered and said decisions made on settled pre-existing rules of general juris-prudence.

II.

It is apparent on the face of the record that the question on which the jurisdiction, if any, of this Court depends, was manifestly decided right in the 10
Courts below, and this case ought not to be held for further argument.

Dated at Grafton, North Dakota, this 22nd day of November, A. D., 1808.



Henry W. Phelps
Attorney for Defendant in Error,
Grafton, North Dakota. 11

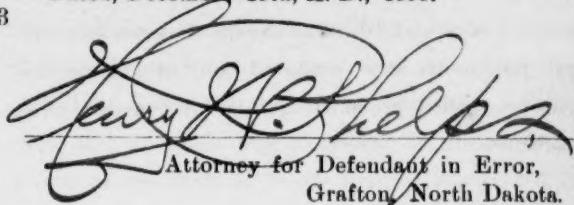
**MOTION TO DISMISS WRIT OF ERROR
AND AFFIRM JUDGMENT BELOW.**

Now comes the above named defendant in error, Alexander Anderson, by Henry W. Phelps, his attorney, appearing specially to object to the juris-

12 diction of the Court, and moves the Court that the writ of error issued in the above entitled cause on the 6th day of November, A. D., 1897, be dismissed and the judgments below be affirmed, together with damages and costs, upon the record and reported decisions and upon the grounds specified in the preceding notice of motion therefor.

Dated, December 19th, A. D., 1898.

13



Henry H. Phelps
Attorney for Defendants in Error,
Grafton, North Dakota.